

Chapter 14. Competitive Negotiation: Addenda, Modifications, and Withdrawals

Summary

This chapter address situations in which the RFP is revised by an addendum or the proposal submitted by a vendor is either modified or withdrawn.

Essential Information in this Chapter	
<ul style="list-style-type: none">• The purchasing agent may modify an RFP by issuing a written addendum no later than five calendar days prior to the date proposals must be received; if the addendum modifies the date proposals must be received, it may be issued at any time prior to that date.• A proposal may be modified by the vendor any time prior to the time and date proposals must be received.• A proposal may be withdrawn at any time, and a withdrawn proposal may be resubmitted any time prior to the time and date proposals must be received.	
Key References to the Code of Virginia Applicable to this Chapter	
Section 2.2-4301: Definitions of competitive negotiation and other key terms Section 2.2-4303(A): When competitive negotiation required, generally	

14-1 General

Once the RFP is issued, the course of the procurement process is still subject to change. It may become apparent to the purchasing agent, the using department or the selection committee that the RFP contains an omission or an ambiguity that must be corrected or clarified prior to the date that proposals must be received. A vendor may realize after its proposal has been submitted that it contains errors or omissions that must be corrected or that compel the vendor to desire to withdraw its proposal altogether.

14-2 Amending a Request For Proposals by Addendum

If, after an RFP is issued but prior to the receipt of proposals, the RFP must be amended or clarified, the purchasing agent may issue addenda that modify the RFP. The following procedures shall apply:

- Authority to issue an addendum: The purchasing agent shall have the sole authority to issue an addendum.
- Initiation of an addendum: An addendum may be initiated by the

purchasing agent in his discretion, upon his own determination of the need, upon the request of the using department, or upon the request of a prospective vendor who requests clarification of a provision of the RFP.

- Addendum must be in writing: All addenda shall be in writing. No oral modification of any provision of an RFP shall be permitted.
- Timing of issuance of addendum: If the purchasing agent determines that an addendum is necessary, it shall be issued no later than five calendar days prior to the date proposals must be received. An addendum extending the date for the receipt of proposals or withdrawing the RFP may be issued any time prior to the date proposals must be received.
- Notifying prospective vendors about addendum: An addendum shall be provided to all potential vendors who were provided an RFP. Acceptable means of providing addenda to potential vendors are hand delivery, first class mail, fax with telephone confirmation of receipt, or other means designed to assure receipt of the addenda as soon as possible.
- Changing the date proposals must be received: When issuing an addendum, the purchasing agent should consider the effect on the time for prospective vendors to prepare their proposals. If additional preparation time is likely to be required by the vendors, the addendum should also extend the date proposals must be received by a reasonable period of time.

14-3 Modifying a Proposal Prior to Proposal Receipt Date and Time

A proposal may be modified by the vendor, subject to the following requirements:

- Notification: The vendor shall notify the purchasing agent in writing of its intentions to modify its proposal.
- Time to modify: If the vendor modifies its proposal, it must submit and the purchasing office must receive the corrected proposal before the deadline for receipt of proposals.
- Cost may not be revealed: If cost is an evaluation criterion, the modification must be so worded by the vendor as to not reveal the original amount of the proposal.

14-4 Withdrawing a Proposal

A vendor may withdraw from the competitive negotiation process at any time, prior to and after the date time which proposals must be received. The vendor shall notify the purchasing agent in writing of its intention to withdraw. A withdrawn proposal may be resubmitted to the purchasing agent up to the time and date proposals must be received.

